مجلس الأمن

Distr.: General
28 August 2020
Arabic
Original: English

رسالة مؤرخة 28 آب/أغسطس 2020 موجهة من رئيس مجلس الأمن إلى الأمين العام والممثلين الدائمين لأعضاء مجلس الأمن

يشرفني أن أبلغكم بأن مجلس الأمن قد أتم إجراء عملية التصويت على مشروع القرار الوارد في الوثيقة S/2020/846، الذي قدمته المملكة المتحدة لبريطانيا العظمى وآيرلندا الشمالية في ما يتعلق ببند جدول الأعمال المعنون "الحالة في الصومال". وقد جرت عملية التصويت وفق الإجراء المنصوص عليه في الرسالة المؤرخة 27 آذار/مارس 2020 الموجهة من رئيس مجلس الأمن إلى الممثلين الدائمين لأعضاء مجلس الأمن (S/2020/253)، والذي تم الاتفاق عليه في ضوء الظروف الاستثنائية الناجمة عن جائحة مرض فيروس كورونا (كوفيد-19).

وقد تلقى الموظف المسؤول عن شعبة شؤون مجلس الأمن رسائل من جميع أعضاء مجلس الأمن الخمسة عشر يشيرون فيها إلى موقف بلادهم من مشروع القرار. وكانت نتيجة التصويت على النحو التالي:

المؤيدون:

الاتحاد الروسي، وإستونيا، وألمانيا، وإندونيسيا، وبلجيكا، وتونس، والجمهورية الدومينيكية، وجنوب أفريقيا، وسانت فنسنت وجزر غرينادين، والصين، وفرنسا، وفييت نام، والمملكة المتحدة لبريطانيا العظمى وآيرلندا الشمالية، والنيجر، والولايات المتحدة الأمريكية

المعارضون:

لا أحد

الممتنعون:

لا أحد

وحصل مشروع القرار على 15 صوتاً مؤيداً. واعتُمد مشروع القرار بوصفه القرار 2540 (2020). وسيصدُر حالا القرار، الوارد في مرفق هذه الرسالة*، باعتباره وثيقة من وثائق مجلس الأمن.

(توقيع) ديان تريانشاه **دجاني**
رئيس مجلس الأمن

* عُمم باللغة الإنكليزية فقط.

20-11303 (A) 010920 010920

المرفق

United Nations S/RES/2540 (2020)

Security Council

Distr.: General
28 August 2020

Resolution 2540 (2020)

Adopted by the Security Council on 28 August 2020

The Security Council,

Recalling its previous resolutions and statements of its President on the situation in Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, and underscoring the importance of working to prevent the destabilising effects of regional disputes from spilling over into Somalia,

Expressing serious concern at the ongoing threat posed by Al-Shabaab, as well as the presence of affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), *condemning* the attacks by Al-Shabaab in Somalia and the region, including the attack on 28 December 2019 which killed over 90 people and injured over 140, *expressing concern* at the increase in the use of Improvised Explosive Devices (IEDs), and *reiterating* its determination to support comprehensive efforts to reduce the threat posed by Al-Shabaab in Somalia,

Paying tribute to the bravery and sacrifices made by the Somali security forces and African Union Mission in Somalia (AMISOM) and in the fight against Al-Shabaab, *commending* the contribution of AMISOM to building lasting peace and stability in Somalia, *recognising* that security provided by AMISOM continues to make a significant contribution, and *further recognising* the need to make international support for Somali security efforts more efficient and effective, particularly ahead of the Somali security institutions and forces taking the lead on security in 2021,

Emphasising the essential role of the United Nations Assistance Mission in Somalia (UNSOM) in supporting the Federal Government of Somalia (FGS) and its Federal Member States (FMS) through the provision of strategic advice and good offices, capacity building, and the coordination of international partners' support, including with respect to elections support, *underscoring* that this mandate is complementary to the mandates of AMISOM, the United Nations Country Team and support provided by other international partners, and *underlining* the importance of coordination among international partners,

Expressing its full support for the Special Representative of the Secretary-General and head of UNSOM, and for the Special Representative of the Chairperson of the African Union

Commission for Somalia and Head of AMISOM, and *encouraging* efforts to further strengthen relations between the FGS and the United Nations,

Welcoming Somalia's attainment of the decision point under the Heavily Indebted Poor Countries Initiative on 25 March 2020, *further welcoming* Somalia's economic and financial reforms and the development of its ninth National Development Plan which have underpinned this, including FGS-FMS cooperation, and *recalling* that further collaboration on political, security, development and economic reforms will be essential to meet the Heavily Indebted Poor Countries Initiative Completion Point,

Emphasising the importance of a comprehensive approach to peacebuilding and sustaining peace in Somalia, particularly through the prevention of conflict, addressing root causes at all stages of conflict, and undertaking political, economic and security reforms, and promoting social development,

Further welcoming commitments made by Somali stakeholders at the 2019 Somalia Partnership Forum to accelerate security sector, economic and political reforms, in particular commitments to deepen federalism and conduct elections in 2020/2021 that are free, fair, credible and, *welcoming also* recent dialogue between the FGS and FMS, *reiterating* that elections, which are to be held in 2020/2021, should be transparent and inclusive, held in accordance with the Provisional Federal Constitution of Somalia and taking fully into account the recommendations of the National Independent Electoral Commission (NIEC) and relevant parliamentary legislation, and be underpinned by broad based consensus involving all relevant stakeholders including the FGS, FMS and Parliament, *underscoring* the importance of a timely and inclusive electoral process for Somalia's political stability, *and further reiterating* its expectation that future elections in Somalia ensure the representation of all Somalis, in line with long-standing commitments to conduct one-person-one-vote elections,

Welcoming progress made in recent meetings between the FGS and FMS, *emphasising* the urgency of full cooperation between the FGS and all FMS, *noting* the responsibilities of all parties to improve cooperation and engage in discussions led by the FGS in Dhusamareb, and *underlining* of the importance of cooperation and consensus for further progress on key national priorities, including the implementation of the National Security Architecture, agreement on a federated justice system, power and resource-sharing, the constitutional review, fiscal federalism, and the planning and holding of national elections,

Welcoming also the enactment in February 2020 of the Electoral Law, which represents a significant step forward, and the resolution of key outstanding issues by the Somali Federal Parliament, in collaboration with the NIEC, including the definition of constituencies, allocation of seats to constituencies, implementation of the 30 percent quota of seats for women to which Somalia has committed and representation of Benadir and "Somaliland", and *noting* the importance of timely donor support once an implementable, affordable and democratic electoral model has been agreed,

Further reaffirming the importance of inclusive politics and democratic elections in ensuring long-term peace and stability in Somalia, *underlining* the need for swift implementation of the jointly agreed Mutual Accountability Framework, including the political, economic and security milestones, and *recognising* that the FGS has the primary responsibility to deliver Somalia's commitments in close cooperation with FMS,

Expressing concern about delays in consolidating Somalia's federal system and *underscoring* the importance of progress on key priorities, including power and resource-sharing, shared responsibilities for security, the constitutional review and fiscal federalism, all of which require political agreements that can form the basis for legislation in the Federal Parliament,

Recognising reconciliation efforts in Galmudug, *reaffirming* the importance of continued peace and reconciliation in Jubaland, *underlining* the importance of dialogue and local reconciliation processes to stability in Somalia, and *further reaffirming* the importance of leadership from the FGS and engagement by the FMS in de-escalating tensions and engaging in constructive dialogue,

Welcoming the direct talks between the leaders of Somalia and "Somaliland" in Djibouti from June 12-15, and *encouraging* additional technical and political discussions between the parties to build confidence and strengthen political coordination,

Welcoming an increased focus on the need to revitalise the high-level meetings of the Comprehensive Approach to Security through the newly established Security and Justice Committee progress on security sector reforms, including on electronic payment of the security forces, human resource management, progress in implementing the New Police Model, and initial progress in conducting operations against Al-Shabaab in Lower Shabelle, *expressing its concern* that there have been further delays to the implementation of the National Security Architecture, the delivery of the Somali-led Transition Plan, which the FGS has committed to updating by the end of September 2020, the generation of able, affordable, accountable and Somali forces, and the integration of regional forces in the federal armed forces, *further expressing concern* over the implications of the lack of political dialogue and rising tensions between the FGS and some of the FMS in delaying a range of security reforms, and *underlining* the need to accelerate implementation of security sector reforms,

Reiterating the need for coordinated engagement among all actors towards transition to Somali security leadership during 2021, in line with resolution 2520 (2020), the African Union Mission in Somalia (AMISOM) Strategic Concept of Operations 2018–2021, and the aims set out in the Somali-led Transition Plan, and *emphasising* in this regard the importance of the independent assessment with a view to presenting options to the Security Council on international engagement in security arrangements in Somalia post-2021, including the role of the UN, in particular that of UNSOM, AU and international partners, as mandated in its resolution 2520 (2020), and the need for inclusive discussions with all relevant actors,

Expressing grave concern at ongoing humanitarian crises in Somalia as a result of the protracted conflict and recurring events including drought, flooding and the locust infestation, *recognising* that the COVID-19 pandemic presents an additional and profound challenge to Somalia's health system, socio-economic and humanitarian situation, as well as social cohesion due to increased stigmatisation, *expressing further concern* at the number of Somali refugees and increasing number of internally displaced persons (IDPs), as well as their increasing humanitarian and protection needs, *welcoming* the FGS's recent ratification of the African Union Convention for the Protection and Assistance of IDPs in Africa (the Kampala Convention), *calling on* the FGS to fully implement its provisions and to make progress on its commitment to deliver durable solutions for displaced persons in Somalia, *reaffirming* its strong condemnation of the deliberate targeting of civilians, including humanitarian personnel, and civilian objects in situations of armed conflict, as well as the indiscriminate use of weapons in populated areas and their consequences for the civilian population, *calling upon* all parties to the conflict in Somalia to refrain from such practices in accordance with their obligations under international law, *welcoming* the efforts by the FGS, FMS, the United Nations, and the response and generous support by donors, *encouraging* further cooperation with international and national humanitarian actors to relieve immediate need, and *underlining* the need for greater and diverse investment in resilience, including for IDPs, in order to reduce long term need and support Somalia to achieve sustainable development,

Condemning continued violations of international humanitarian law and violations and abuses of human rights, *expressing deep concern* in particular at violations and abuses committed against children and those involving sexual and gender-based violence in conflict

and post-conflict situations, *recognising* that women and girls are disproportionately affected by these violations and abuses in Somalia, *recalling* the 2020 Conclusions on Children and Armed Conflict (S/2020/174), resolution 1325 (2000) and all subsequent resolutions on Women, Peace and Security, *encouraging* the swift enactment of the Somali Child Rights Act, *underscoring* the need to respect, protect and promote human rights, end impunity, and hold accountable those responsible for violations or abuses of human rights and violations of international humanitarian law, and *reaffirming* its support for the United Nations' zero tolerance policy on sexual exploitation and abuse,

Recalling resolution 2532 (2020) demanding a general and immediate cessation of hostilities in all situations on the Council's agenda, as well as calling upon all parties to armed conflicts to engage immediately in a durable humanitarian pause for at least 90 consecutive days, in order to enable the safe, timely, unhindered and sustained delivery of humanitarian assistance in accordance with the humanitarian principles of humanity, neutrality, impartiality and independence,

Expressing deep concern about the serious humanitarian threat posed to civilians by landmines, explosive remnants of war (ERW) and IEDs in Somalia, which causes serious social and economic consequences for the population of Somalia, and of personnel participating in law enforcement, humanitarian, peacekeeping, rehabilitation and clearance programmes and operations, *recognising* that mine action contributes to the protection of civilians and supports stabilization and peacebuilding efforts, and *underlining* the need to accelerate capacity-building measures that aim to strengthen capacities to mitigate against the threat of landmines, ERW and IEDs in Somalia,

Further recognising the adverse effects of climate change, other ecological changes, natural disasters, among other factors, on the stability of Somalia, including through drought, desertification, land degradation and food insecurity, and *recalling* its Presidential Statement S/PRST/2011/15,

1. *Decides* to extend until 31 August 2021 UNSOM's mandate as set out in paragraph 1 of resolution 2158 (2014);

2. *Strongly condemns* continued attacks by the terrorist group Al-Shabaab, including attacks in the region, on the United Nations Compound in Mogadishu and AMISOM facilities, and *urges* the FGS, AMISOM and the United Nations to work closely on strengthening safety and security for the United Nations and AU facilities and staff;

3. *Requests* UNSOM to maintain and strengthen its presence in all of the FMS, subject to United Nations security requirements and as the security situation allows, *welcomes* the strong relationship between UNSOM, the United Nations Support Office in Somalia (UNSOS), the United Nations Country Team and AMISOM, and *underlines* the importance of all entities continuing to strengthen the relationship further at all levels, including through the Senior Leadership Coordination Forum;

4. *Expresses its deep appreciation* for UNSOM's support to the FGS as set out in paragraph 1 of its resolution 2158 (2014), in particular with regard to the development of inclusive politics and preparations for the elections in 2021, the constitutional review process, mediation, prevention and resolution of conflicts, the development of a federated police and justice system, strengthening the rule of law and security sector reform, and coordinating capacity-building support on anti-corruption issues;

5. *Further decides* that UNSOM should continue to coordinate UN efforts, in full cooperation with the FGS and FMS, with a particular focus on the following tasks:

(a) provide support to the FGS and the FMS to accelerate Somali Government-led, inclusive politics, and reach political agreement, in order to deliver shared political and security commitments, through inclusive regular high-level dialogue at all levels between the FGS and all FMS;

(b) provide support to efforts undertaken by the FGS and the FMS to pursue inter- and intra-clan reconciliation at the local, regional and national level, including efforts in Galmudug and Jubaland, as the basis for long-term stability in Somalia, and provide support to efforts to strengthen the dialogue between the FGS and "Somaliland";

(c) provide support, through the exercise of its good offices and through technical, operational and logistical assistance to the FGS, the Somali Parliament, the NIEC, and any other stakeholders with an agreed role in election delivery, in collaboration with UNSOS, for the delivery of elections which are free, fair, timely, peaceful, transparent, credible and inclusive, incorporating a direct voting component enabling as many citizens as possible to vote in 2020/2021, in accordance with the Provisional Federal Constitution of Somalia, and taking fully into account the perspectives of relevant stakeholders, with a particular focus on supporting the NIEC at national level and in the FMS, along with local stakeholders to fulfil its independent constitutional mandate to implement elections as agreed by relevant stakeholders, continue to support efforts to make progress towards the objective of universal elections, and support strengthened coordination of international electoral support to Somalia;

(d) provide technical advice and capacity-building to support the FGS in its efforts to enable the full, equal and meaningful participation of all Somalis, including women, youth, minority clans, persons with disabilities, IDPs and Somali refugees in reconciliation efforts, conflict resolution, peacebuilding and elections, including supporting Somali commitments to ensure that women fill at least 30 percent of the seats in both Houses of Parliament, and increasing participation and empowerment of women, minority communities and other marginalised groups at all decision-making levels;

(e) provide support to the FGS and the FMS to accelerate implementation of key security sector reforms, in conjunction with international partners, AMISOM and UNSOS, including a coherent National Security Architecture with a military and civilian component, delivery of the Somali-led Transition Plan, agreement on a federated justice and corrections model, the establishment and strengthening of effective, accountable and constitutional rule of law institutions;

(f) provide coordination and strategic advice to improve the operation of the Comprehensive Approach to Security and collaboration between the FGS and international partners, as agreed in the Security Pact at the 2017 London Somalia Conference;

(g) provide support to United Nations entities to ensure system-wide implementation of the Human Rights Due Diligence Policy across all United Nations support to AMISOM and the Somali security sector, to include a strong focus on strengthening engagement with the Government, including on implementation of mitigation, compliance and accountability measures;

(h) provide technical advice and capacity-building support to the establishment of the National Human Rights Commission and to the FGS, in particular the Ministry for Women and Human Rights Development, to promote and protect human rights in Somalia, including to protect women and girls from sexual and gender based violence, to promote accountability for human rights violations and abuses, including through working with civil society, reinforcing and aligning human rights efforts across security-related and humanitarian agendas, and monitor and include information on the human rights situation in the Secretary-General's reporting in accordance with paragraph 16;

(i) provide support, within its mandate and existing resources, to the FGS in the implementation of the 2019 Mutual Accountability Framework (MAF) for Somalia;

(j) provide support to the FGS to implement Somalia's National Strategy and Action Plan for Preventing and Countering Violent Extremism, in order to strengthen Somalia's capacity to prevent and counter terrorism, including Somalia's capacity to address

conditions conducive to the spread of terrorism, in compliance with Somalia's obligations under international law, including international humanitarian law, international human rights law and international refugee law, and provide support to Somalia's efforts to become a state party to the international counter-terrorism conventions and protocols;

(k) provide support and strategic policy advice to bolster the FGS's ability to deliver services and attract investment, and help the FGS to establish frameworks for managing resources and power sharing, in order to enable Somalia to strengthen revenue mobilisation, resource allocation, budget execution, and anti-corruption measures, as set out in the New Partnership for Somalia;

(l) support Somalia's efforts to advance 2030 Agenda for Sustainable Development, working closely with the United Nations Country Team, provide strategic advice to institutional capacity building in line with the Somalia National Development Plan, collaborate with the international financial institutions to support the mobilisation of economic and development assistance, and ensure effective and integrated cooperation of United Nations agencies, funds and programmes and promote cooperation with relevant partners, with a view to making maximum use of development financing in Somalia, including in response to flooding, locusts and the COVID-19 pandemic;

6. *Calls upon* the FGS and the FMS to enhance as a matter of urgency broad-based consultations and consensus building through consultative mechanisms at all levels and with the two Houses of Parliament on key national priorities, including the implementation of the National Security Architecture, the delivery of the Somali-led Transition Plan, delivery of further economic reforms, the review of the Constitution, and implementation of timely elections;

7. *Urges* the Somali authorities to create a conducive political and security climate for inclusive elections across Somalia and at all levels to foster political pluralism, ensure political space for the role, rights and responsibilities of legally constituted political parties, including opposition parties, uphold the rights of freedom of expression, association, peaceful assembly and movement, including the ability of independent journalists to freely operate, and condemn hate speech and incitement to violence, and *calls upon* all FMS to allow the NIEC to operate freely in each FMS to the extent required to deliver an agreed electoral model;

8. *Expresses its concern* about all violations of international humanitarian law and violations and abuses of human rights, including those involving sexual and gender-based violence in conflict, *further calls upon* all parties to comply with their obligations under international law, including international humanitarian law, as applicable, in relation to the protection of the civilian population, and civilian objects, and *further reiterates* the urgent and imperative need to hold accountable all those responsible for violations of international humanitarian law and violations and abuses of human rights, including the right to freedom of expression, including against journalists and other media professionals and associated personnel;

9. *Demands* all parties to the conflict to take appropriate measures to end and prevent violations and abuses against children, including the continued recruitment and use of children in armed conflict, in accordance with obligations under international law, identify those responsible for such violations and abuses, consider primarily as victims those children who have been released or otherwise separated from armed forces and armed groups as per the Paris Principles endorsed by the FGS, cease detention of all children on national security charges where it is in violation of applicable international law, *calls upon* the FGS to implement fully the UN Convention on the Rights of the Child 1989 (UNCRC), the two Action Plans signed by the FGS in 2012 to end and prevent the recruitment and use of child soldiers and the killing and maiming of children, the Somali National Army Command Order on the Protection of Children's Rights Before, During and After Operations, the roadmap

signed in 2019 and the Standard Operating Procedures on the handover of children, and *underscores* the need to strengthen the legal and operational framework for the protection of children in Somalia, including by Somalia becoming a party to the Optional Protocols to the UNCRC and the African Charter on the Rights and Welfare of the Child;

10. *Further strongly condemns* any misuse or obstruction of humanitarian assistance, including attacks against humanitarian and medical personnel, and against their means of transport and equipment, as well as hospitals and other medical facilities in violation of international law, and *demands* that all parties allow and facilitate full, safe, rapid and unhindered access for the timely delivery of aid to persons in need across Somalia in line with the humanitarian principles, including by dismantling illegal checkpoints and removing administrative hurdles, and underlines the importance of proper accounting in international humanitarian support;

11. *Calls upon* the FGS, the FMS and all relevant actors to facilitate, support and, where appropriate, implement durable solutions for internal displacement, including local integration or resettlement, and to create the conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and IDPs, with the support of the international community;

12. *Underlines* the need for the FGS to establish and operationalise the National Human Rights Commission, accelerate the appointment of Commissioners, and establish and operationalise the Constitutional Court and the Judicial Service Commission in line with the Provisional Constitution and the relevant legislation, *calls on* the FGS to implement legislation aimed at protecting human rights and investigating and prosecuting perpetrators of crimes involving violations or abuses of human rights, violations of international humanitarian law, and sexual and gender-based violence in conflict and post-conflict situations, *further calls on* the FGS to ensure that sexual offences legislation be compatible with its obligations under international law and commitments on the protection of children and women, and *urges* the FGS, with the support of the United Nations, to accelerate the implementation of the Joint Communiqué and the adoption and implementation of the new National Action Plan to Combat Sexual Violence in Conflict, *and commends* the FGS for its commitment to fulfilling its reporting obligations under human rights treaty bodies;

13. *Requests* the United Nations, the FGS and the FMS to consider the adverse implications of climate change, other ecological changes, natural disasters, among other factors, in their programmes in Somalia, including by undertaking risk assessments and risk management strategies relating to these factors, and *requests* the Secretary-General to provide an update in mandated reporting as appropriate;

14. *Recalls* its request in resolution 2520 (2020) that the Secretary-General conducts an independent assessment, by 10 January 2021, and present options to the Security Council on international support to the whole security environment in Somalia post 2021, and *reiterates* that options on UNSOM's role in this regard should be provided as part of this independent assessment;

15. *Affirms* that it shall keep the situation in Somalia under continuing review and be prepared to review the provisions contained in this resolution, at any time as may be necessary, in light of the evolution of the political developments and the situation in the country;

16. *Requests* the Secretary-General to keep the Security Council regularly informed on the implementation of this resolution, and to identify and report on progress towards achieving key political benchmarks, in particular progress towards elections, including through oral updates and no fewer than four written reports, with the first written report due by 15 November and every 90 days thereafter;

17. *Decides* to remain actively seized of the matter.